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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P (S) No. 5009 of 2007

PETITIONER		Smt. K.R. Goyal, w/o Shri S.S.Goyal, aged about 48 years, Assistant Project Officer, Integrated Children Development Scheme, Dondilohara, District Durg(CG)
		Versus
RESPONDENTS	1	The State of Chhattisgarh, Through Deputy Secretary, Women & Children Development & Social Welfare Department, DKS Bhavan, Secretariat, Raipur(CG)
	2	Director Directorate Women and Children Welfare Chhattisgarh Raipur(CG)
	3	District Project Officer, Engineer(Civil) Divisional Office, Women and Children Welfare, Chhattisgarh Raipur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Vivek Rathore, counsel for the petitioner.
Shri M.P.S.Bhatia, Panel Lawyer for the State on advance copy.

ORAL ORDER
(03.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is presently working on the post of Assistant Project Officer, Integrated Children Development Scheme at Dondilohara, District Durg(CG) has been transferred from the said place to Ekikrit Bal Vikas Pariyojna, Berla, District Durg.

Learned counsel for the petitioner submits that the petitioner is a post bearer in Chhattisgarh Karmachari Congress and is holding the post of Secretary, Chhattisgarh Karmachari

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Congress at Tahsil Branch Dondilohara, District Durg(CG), therefore, she should not have been transferred in light of the policy of the Government. He further submits that the husband of the petitioner is also a government servant, who is working in Dondilohara and children of the petitioner are also studying in the local institution, therefore, the transfer of the petitioner would adversely affect the petitioner and her family. He submits that on these grounds the transfer order of the petitioner may be set aside.

Needless to say that these are not the grounds for interfering in the order of transfer by a Court of law. Unless the transfer is vitiated by malafides or extraneous considerations or the same is against any statutory Rule or Act, ordinarily it cannot be interfered by a Court of law is the settled position given by the Apex Court. The ground of personal difficulties or violation of policy etc., are the grounds to be considered by the employer itself.

In the facts and circumstances of the case, I am not inclined to interfere in the order of transfer of the petitioner. However, the petitioner shall be at liberty to file appropriate representation before the concerned authority, which shall be disposed of in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

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